

E-Filed 7/10/2009

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALFONSO CERVANTES REYES,

Defendant.

Case Number CR 05-516 JF

ORDER LIFTING STAY RE ORDER
OF MARCH 4, 2009 WITH RESPECT
TO APPLICATION FOR
TRANSCRIPTS

On March 4, 2009, this Court issued an order ("March 4 Order") granting Defendant's motion for transcripts of the proceedings in this case. The Court subsequently became aware that the Ninth Circuit Court of Appeals has appointed counsel to represent Defendant on appeal, but that (a) counsel seeks to be relieved of that appointment and (b) Defendant seeks leave to proceed on appeal *pro se*. The Court also was informed that Defendant has been relocated several times, making shipment of transcripts to him problematic. The Court thereafter stayed the effect of its March 4 Order pending the resolution by the Court of Appeals of the issue of Defendant's representation.

The Court of Appeals has determined that Defendant may represent himself on appeal, but that counsel shall continue to represent Defendant for the limited purpose of ensuring that all

1 reporter's transcripts are provided. The Court therefore lifts its stay of the March 4 Order and
2 directs the Clerk's Office to prepare transcripts of all proceedings in this case for transmittal to
3 Defendant. Counsel has been in contact with Court staff and has agreed to facilitate transmittal
4 of the transcripts to Defendant by providing Defendant's current address when the transcripts
5 have been prepared.

6 **ORDER**

7 The Clerk of the Court shall prepare for transmittal to Defendant a complete transcript of
8 all proceedings in this case as soon as is practicable.

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13 DATED: July 9, 2009

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16 JEREMY FOGEL
17 United States District Judge
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Copies of Order served on:

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